

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COTRELL T. KNIGHT, and PHYLLIS
MARIE KNIGHT,

Petitioners,

vs.

TAGGART BOYD,

Respondent.

8:22CV41

MEMORANDUM AND ORDER

This matter is before the court on Petitioner Phyllis Marie Knight's ("Knight") Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing 2.) Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). The court has reviewed the application to proceed IFP pursuant to 28 U.S.C. § 1915(a)(1)-(2). Knight states she receives disability payments of \$1,165.00 per month. Knight indicates she has \$280.00 in cash or in a checking or savings account. Knight describes monthly expenses of \$910.00 for rent, utilities, and other items. Given Knight's available assets and income, the court finds that her monthly expenses would not impact her ability to pay the modest \$5.00 filing fee associated with filing a habeas petition in federal court. Thus, the court concludes that Knight must be required to pay the \$5.00 filing fee because she has the financial ability to do so. *See* 28 U.S.C. § 1915(a). No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

1. Petitioner Phyllis Marie Knight's request to proceed IFP (Filing 2) is denied.

2. Petitioner Phyllis Marie Knight must pay the \$5.00 filing fee within 30 days. Knight is warned that if the fee is not paid as required, the court may dismiss this case without further notice.

3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **March 16, 2022**: deadline for Petitioner Phyllis Marie Knight to pay \$5.00 filing fee.

4. No further review of this case will take place until the filing fee is paid.

Dated this 14th day of February, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge